

**BOARD OF COMMISSIONERS OF HABERSHAM COUNTY, GEORGIA**

**RESOLUTION DECLARING A STATE OF EMERGENCY IN  
HABERSHAM COUNTY, GEORGIA RELATED TO COVID-19  
AND EXERCISING EMERGENCY POWERS TO CONTROL  
THE SPREAD OF COVID-19**

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) declared that Coronavirus 2019 (“COVID-19”) is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China which has now been detected in more than 194 countries around the world, including the United States; and

**WHEREAS**, as reported by the WHO, the world has experienced a deep humanitarian crisis with more than 452,000 cases and more than 20,400 deaths due to COVID-19; and

**WHEREAS**, COVID-19 is officially a global pandemic according to the WHO March 11, 2020 declaration; and

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national public health emergency in the United States of America in response to COVID-19; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a public health emergency due to COVID-19 for the purpose of easing restrictions that might otherwise hinder the ability of public health systems to respond appropriately to the COVID-19 pandemic, all effective through April 13, 2020 unless further extended; and

**WHEREAS**, on March 16, 2020, the Georgia General Assembly entered a 2020 Special Session ratifying Governor Brian Kemp’s emergency declaration and reserving the right to terminate the emergency declaration through future legislative action; and

**WHEREAS**, on March 23, 2020, Governor Brian Kemp temporarily expanded licensing of certain medical professions to assist the State’s response to the spread of COVID-19; and

**WHEREAS**, on the same day (March 23, 2020), Governor Brian Kemp by executive order, on the recommendation of the Georgia Department of Public Health, determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread of the virus and further ordered: (1) The Department of Public Health order quarantine of certain persons if infected to isolate, quarantine or shelter in place within their homes or place of residence, (2) That all businesses which possess a license to operate as or otherwise meet the definition of bar to cease operation, (3) That no business or establishment or organization allow more than ten persons to be gathered at a single location that such gathering requires persons to stand or be seated within six feet of another person and (4) That the Department of Public Health is authorized to

mandate the closure of any business, establishment or organization not in compliance with the executive orders; and

**WHEREAS**, the Georgia Department of Public Health has confirmed that positive cases of COVID-19 in Georgia are increasing at a high rate; and

**WHEREAS**, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services and governmental operations; and

**WHEREAS**, medical professionals have advised that if COVID-19 continues to spread at a rate comparable to that rate of spread in other effected areas, it may greatly strain the resources and capability of county and municipal governments that provide essential services containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this state and this situation may spread to other parts of this state; and

**WHEREAS**, a critical component of the public response to the COVID-19 pandemic is to practice “social distancing” by minimizing contact between people residing in different households as much as possible; and

**WHEREAS**, the Board of Commissioners of Habersham County, Georgia (“Commission”) has encouraged adherence to guidelines established by the Centers for Disease Control and Prevention related to COVID-19; and

**WHEREAS**, although citizens of Habersham County have acted to reduce the spread of COVID-19, the Commission finds that additional measures are needed to reduce the spread of COVID-19; and

**WHEREAS**, pursuant to O.C.G.A. § 38-3-28, the Commission, as governing authority of a political subdivision of the State of Georgia, is authorized to make, amend and rescind orders, rules and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

**WHEREAS**, under O.C.G.A. § 38-3-6, emergency powers created by the law are intended to be liberally construed so as to allow government officials to meet the demands of emergencies within their jurisdiction; and

**WHEREAS**, under Section 22-151, et seq., of the Habersham County Code of Ordinances (“Code”) has a local organization for emergency management and the chairman of the Commission is authorized pursuant to Section 22-154 thereof to determine in consultation with the municipalities of Habersham County that an emergency exists and thereafter shall have and may exercise for such

periods of time as such emergency continues powers assigned to the chairman of the Commission pursuant to Section 22-154 subparagraphs 1 through 6; and

**WHEREAS**, inherent in the power to suspend rules and regulations is the power to take emergency affirmative actions, consistent with the protection of public health, safety and welfare and consistent with state and federal laws; and

**WHEREAS**, to prevent or minimize injury to people resulting from this pandemic, the Commission finds that certain actions are required including, but not limited to, the social distancing measures set forth herein; and

**WHEREAS**, in the judgment of the Commission, as of the date of this resolution, there exists emergency circumstances as the result of COVID-19 in Habersham County, Georgia as described in Section 22-154, et seq. of the Code requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of Habersham County and the surrounding community; and pursuant to Section 22-154 of the Code, the Commission has the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to call into execution all powers granted in the Georgia Constitution, the provisions of the Official Code of Georgia and the Code as fully and completely as if such powers were fully enumerated herein and to do and perform all the acts pertaining to its property and affairs which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Habersham County as follows:

**Section 1.** The Commission declares that a local public health state of emergency exists within Habersham County, Georgia and shall continue until the conditions requiring this declaration are abated.

**Section 2.** The emergency provisions of Section 22-154, et seq. of the Code are hereby invoked and shall be implemented as set forth hereinafter.

**Section 3.** The Commission hereby continues to encourage citizens and businesses in Habersham County, Georgia to adhere to the directives of the state and federal governments including, but not limited to, the guidelines established by the Centers for Disease Control and Prevention related to COVID-19; the executive orders issued by Governor Brian Kemp related to COVID-19 on March 14, 2020 and March 23, 2020 and all closures, limitations and regulations already enacted by Habersham County government in regard to emergency management of this public health crisis, including, but not limited to, the Facilities, Restrictions and Closure missive dated March 25, 2020. The Commission expects citizens and businesses in Habersham County to work together to minimize the impact of the COVID-19 virus. To that effect, all individuals currently living within the unincorporated boundaries of Habersham County, Georgia shall shelter at their place of residence

for two weeks from the effective date and time of this resolution. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only as set forth herein. This action is in the best interest of all Habersham County citizens and the healthcare providers that attend to the needs of county citizens.

For the purposes of this resolution, individuals may leave their residence as follows, however, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care:

A. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

B. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

C. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this resolution, such as, by way of example and without limitation, fishing, walking, hiking, running, golfing, tennis or bicycling.

D. To perform work away from their personal residence so long as there are no violations of Sections 4 and 5 hereof except as provided in Section 5C hereinafter.

E. To care for a family member or pet in another household.

#### **Section 4.**

A. All public or private community gatherings of more than ten people anywhere within unincorporated Habersham County are prohibited for the duration of this order. A "community gathering" is defined as any indoor or outdoor event, meeting or convening of people, subject to the exceptions below, that brings together, is likely to bring together or solicits to bring together, ten or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena, event center, music venue, meeting hall, conference center, large cafeteria or any other confined indoor or outdoor space.

B. A community gathering does not include the following or similar uses, so long as persons attending the same are generally not within six feet of each other for extended periods: (1) governmental operations; (2) spaces where persons may be in transit or waiting for transit such as airports, bus stations or terminals; (3) childcare or adult care facilities, residential buildings or any type of temporary sheltering or housing; (4) grocery stores or pharmacies; (5) hospital or medical facilities; (6) educational institutions engaged in medical, engineering or other efforts by students or faculty to deal with the impact of COVID-19; and (7) the performance of job duties by persons not

exhibiting symptoms of COVID-19 or residing with any person exhibiting symptoms of COVID-19.

**Section 5.** Notwithstanding the previous section, the following business categories will be regulated as follows:

A. Restaurants shall close to the public except to provide takeout, delivery, drive-through or curbside service. Cafeterias in hospitals, nursing homes, higher education institutions or similar facilities shall not be subject to the restrictions contained in this section and may continue normal operations controlled by the rules and regulations applied thereto by the State of Georgia.

B. Wineries and breweries shall close to the public except to provide for retail package sales of wine and malt beverages to be consumed off of the premises and specifically prohibits tastings and/or consumption on the premises. During the pendency of this resolution, businesses with a consumption on premises licensed to sell bottled beer and/or bottle wine may allow customers to take such closed bottled beer and/or bottled wine off the premises with takeout meals.

C. All establishments providing body care services which require physical contact between the provider and client, including, without limitation, barbering, hair design, cosmetology, esthetics, massage therapy, tattooing, body waxing, tanning salons or nail care cannot, by definition, comply with the Social Distancing Requirements. However, these establishments may continue to operate so long as they do not violate the terms of their state licenses, maintain all Social Distancing Requirements for all patrons waiting for services, maintain high levels of sanitation and the patron and provider have mutually agreed to the provision of the services. This paragraph shall not restrict any services performed by or under the direct supervision of a licensed medical doctor, nurse, dentist, physical therapist, chiropractor or other healthcare professional.

D. All indoor recreation facilities, including, without limitation, gyms, health studios, yoga, spin or other fitness classes, spas, saunas, indoor amusement facilities, arcades, bowling alleys, pool halls, movie theaters, playhouses and concert venues shall be closed for business. However, these establishments may continue to operate so long as they strictly maintain all Social Distancing Requirements for all patrons and maintain high levels of sanitation. This paragraph shall not restrict any medically prescribed physical therapy, occupational therapy and similar medical treatment modalities performed by a licensed healthcare professional.

E. All other retail, commercial or industrial establishments will be permitted to remain open subject to the following restrictions: (i) reasonable steps are taken to ensure that customers, employees and other persons on the premises shall generally not be within six feet of each other for longer than brief periods; and (ii) employees are not suffered or permitted to work if they are exhibiting symptoms of COVID-19 or residing with anybody exhibiting symptoms of COVID-19.

**Section 6.** Visitors from locations currently under shelter in place orders are encouraged to abide by those local orders and avoid recreational travel to Habersham County.

**Section 7.** Enforcement and Remedies.

A. Individuals: In recognition that Habersham County does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within Habersham County, Georgia, the Habersham County Sheriff's Office as well as other departments of the County as deemed necessary by the Commission Chair under this Declaration are authorized to support compliance with this resolution through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

B. Notwithstanding anything to the contrary outlined in this resolution, sheltering at home is our civic duty to our family and our neighbors.

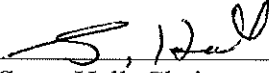
**Section 8.** The Board of Commissioners of Habersham County hereby authorizes the purchase of any goods or services reasonably related to the limitation of the spread of COVID-19 without the necessity of strict compliance with the purchasing policy and regulations of the County.

**BE IT FURTHER RESOLVED** that the Board of Commissioners of Habersham County hereby authorize the chairman, the county manager and the county attorney to execute all such documents and agreements that may be necessary to affect the terms of this resolution.

**FURTHER RESOLVED** this resolution shall be effective at 12:01 a.m. March 29, 2020 and shall continue until 11:59 p.m. on April 11, 2020 unless modified by subsequent order.

**ADOPTED THIS 28<sup>th</sup>** day of March, 2020.

HABERSHAM COUNTY BOARD  
OF COMMISSIONERS

By:   
Stacy Hall, Chairman

Attest:

  
Lindsay Underwood, County Clerk

Approved as to Form:

By:   
Donald T. Hunt, County Attorney